

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS,

CIVIL NO. 1:CV-00-1655

Plaintiff

v.

**ERIC D. EASTON;
WILLIAM D. BAKER;
ERIC B. PRENDERGAST;
VIRGINIA SMITH ELLIOTT;
and THE PENNSYLVANIA
STATE POLICE,**

Defendants

ORDER

The court has been advised by the Third Circuit Court of Appeals mediator that the captioned matter is no longer before him for settlement. Accordingly, this case will be listed for trial.

IT IS HEREBY ORDERED THAT:

1) This case is placed on the March 2005 trial list. Jury selection for cases on the March list will begin at 9:30 a.m. on Tuesday, March 15, 2005 in Courtroom No. 3, Eighth Floor, Federal Building, Third and Walnut Streets, Harrisburg, Pennsylvania. Trials will commence following the completion of jury selections. A date certain for trial may be discussed at the pretrial conference; however, counsel are expected to be prepared to go forward with trial at anytime during the trial term.

2) The parties shall proceed to trial on the following issues:

a) Whether Plaintiff's supervisors engaged in a pattern of sexual harassment that was pervasive and regular so as to create an abusive working environment;

- b) If Plaintiff's supervisors engaged in this conduct, whether Plaintiff's abusive working environment became so intolerable that a reasonable person would have felt compelled to resign;
- c) Whether a supervisor's official act precipitated the constructive discharge; and
- d) If a supervisor's official act did not precipitate Plaintiff's constructive discharge, whether
 - i) The employer installed a readily accessible and effective policy for reporting and resolving complaints of sexual harassment, and
 - ii) Plaintiff unreasonably failed to avail herself of that employer-provided preventive or remedial apparatus.

3) All motions *in limine*, if any, accompanied by supporting briefs, shall be filed no later than January 21, 2005; responsive briefs to motions *in limine* shall be filed no later than January 31, 2005; and reply briefs to motions *in limine* shall be filed no later than February 4, 2005.

4) Pretrial memoranda shall be filed on or before noon on February 11, 2005, in conformity with the local rules.

5) The pretrial conference will be held at 9:00 a.m. on Friday, February 18, 2005, in the chambers of Courtroom No. 3.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: December 10, 2004.